

110TH CONGRESS
1ST SESSION

S. 492

To promote stabilization and reconstruction efforts in Somalia, to establish a Special Envoy for Somalia to strengthen United States support to the people of Somalia in their efforts to establish a lasting peace and form a democratically elected and stable central government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 2007

Mr. FEINGOLD (for himself, Mr. COLEMAN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To promote stabilization and reconstruction efforts in Somalia, to establish a Special Envoy for Somalia to strengthen United States support to the people of Somalia in their efforts to establish a lasting peace and form a democratically elected and stable central government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Somalia Stabilization
5 and Reconstruction Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Somalia has been without a central govern-
4 ment since the overthrow of General Mohamed Siad
5 Barre in 1991 and the subsequent collapse of central
6 authority in Mogadishu. Since then, an estimated
7 400,000 people have died from violence, starvation,
8 and disease as rival Somali groups engaged in armed
9 struggle for personal political power.

10 (2) Continued instability in Somalia poses a
11 threat to the people of Somalia and the stability of
12 the region and threatens the national security of the
13 United States by creating a haven for terrorists.

14 (3) The lack of a credible, capable, representa-
15 tive, and transparent government in Somalia will
16 continue to contribute to instability within Somalia
17 and throughout the Horn of Africa region.

18 (4) There is an urgent need for an integrated,
19 coherent international approach to stabilization and
20 reconstruction in Somalia through the creation of ef-
21 fective multilateral mechanisms with adequate au-
22 thorities and resources.

23 (5) The United States has played a leadership
24 role in the international community's response to
25 these developments in Somalia by joining Norway,
26 the United Kingdom, Tanzania, Sweden, Italy, the

1 European Union, the African Union, and the United
2 Nations to convene the International Somalia Con-
3 tact Group. On January 4, 2007, the United States
4 announced a \$40,000,000 support package to fund
5 peacekeeping and humanitarian efforts in Somalia,
6 urging all donor parties “to provide immediate ca-
7 pacity-building assistance for the Transitional Fed-
8 eral Institutions, as well as humanitarian assistance
9 to respond to the needs of the Somali people”.

10 (6) In early January 2007, United States mili-
11 tary forces targeted suspected terrorists in southern
12 Somalia.

13 (7) The legacy of failed United States engage-
14 ment in Somalia in the past, active hostility toward
15 recent intervention and intentions in that country,
16 and an insufficient knowledge of conditions on the
17 ground in Somalia pose significant challenges to the
18 ability of the United States Government to resolve
19 this crisis situation unilaterally.

20 (8) The United States has a national interest
21 and an international obligation to contribute to mul-
22 tilateral efforts to establish stability in Somalia and
23 throughout the Horn of Africa region.

1 **SEC. 3. STATEMENT OF POLICY.**

2 It is the policy of the United States to support the
3 efforts by the people of Somalia to achieve lasting peace,
4 democracy, rule of law, respect for human rights, broad-
5 based economic recovery and growth, and to eradicate ex-
6 tremism and terrorism from their country and the region.

7 **SEC. 4. SUPPORTING PEACE, DEMOCRACY, AND STABILITY**
8 **IN SOMALIA.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) In October 2002, the Inter-Governmental
12 Authority for Development (IGAD) launched a peace
13 process for Somalia, led by the Government of
14 Kenya, which produced a Transitional National
15 Charter for Somalia in September 2003. The parties
16 agreed to create a Transitional Federal Government
17 (TFG) with a Transitional Federal Assembly (TFA)
18 representing all major political factions and clans.

19 (2) In October 2004, the Transitional Federal
20 Assembly elected Abdullahi Yusuf Ahmed as the new
21 President of Somalia, who went on to appoint Ali
22 Mohamed Gedi as the Prime Minister.

23 (3) After the collapse of the Somali government
24 in 1991, a system of sharia-based Islamic courts be-
25 came the main judicial system and in 2000, Islamic
26 leaders formed an armed militia and the Islamic

1 Courts Union (ICU) to consolidate their authority
2 and resources.

3 (4) In June 2006, the Islamic Courts Union
4 routed warlords, established control of Mogadishu,
5 and rapidly expanded their sphere of influence by
6 taking control of weapons and towns in western and
7 southern Somalia.

8 (5) In December 2006, in response to the Is-
9 lamic Courts Union's declaration of jihad against
10 Ethiopia and attacks against Ethiopian forces and
11 Transitional Federal Government militia near
12 Baidoa, Ethiopian troops and military firepower led
13 Transitional Federal Government attacks on Islamic
14 strongholds.

15 (6) On December 27, 2006, the Islamic Courts
16 Union leadership resigned and withdrew from
17 Mogadishu. The Government of Kenya closed its
18 border with Somalia, and the United States estab-
19 lished a military presence off the coast of Somalia
20 to prevent the escape of Islamists believed to have
21 ties to terrorist networks. The Transitional Federal
22 Government legislature agreed on January 10, 2007,
23 to impose martial law for a period of 3 months.

24 (7) The 2005 Country Reports on Human
25 Rights Practices published by the Department of

1 State cites significant concerns relating to abuses of
2 human rights in Somalia, including female genital
3 mutilation, rape, and political violence.

4 (8) Following 16 years of conflict and insecurity,
5 Somalia has some of the lowest development
6 and humanitarian indicators in the world. It is estimated
7 that over 1,400,000 Somalis are chronically
8 food insecure and nearly 500,000 have been displaced
9 by recent violence and floods. Despite pressing
10 needs, the United Nations Consolidated Appeal
11 for Somalia remains less than 1 percent funded.

12 (b) SENSE OF CONGRESS.—It is the sense of Congress
13 that—

14 (1) the United States Government should assist
15 the people of Somalia to gain control of their country
16 and facilitate the establishment of a legitimate,
17 credible, and capable government that respects
18 human rights and religious freedom, is committed to
19 ending violence throughout the country, and promotes
20 peace and stability with its neighbors;

21 (2) the United States Government should move
22 quickly to support a deployment of a regional or
23 international peacekeeping force in Somalia;

24 (3) the United States Government should help
25 strengthen and protect the respect for human rights

1 and the rule of law within Somalia, as well as to
2 help establish accountability for those responsible for
3 crimes against humanity, war crimes, and human
4 rights abuses;

5 (4) the United States Government should sup-
6 port and expedite planning and implementation of
7 programs associated with the disarmament, demobi-
8 lization, repatriation, reintegration, and rehabilita-
9 tion processes in Somalia;

10 (5) the United States Government should urge
11 the United Nations to establish an international
12 donor trust fund that would be used to help stabilize
13 and rebuild the war-torn infrastructure and gov-
14 erning institutions of Somalia, respond to the wors-
15 ening humanitarian crisis, provide support for So-
16 malia's devastated economy, and help promote de-
17 mocracy, the rule of law, multiparty democracy, and
18 security in Somalia and throughout the Horn of Af-
19 rica;

20 (6) the United States Government and the
21 international community should provide political, fi-
22 nancial, and technical support for efforts by a legiti-
23 mate, transparent government in Somalia to profes-
24 sionalize its security forces, rehabilitate the national
25 judicial system of Somalia, enhance the rule of law,

1 combat corruption, target terrorists and the condi-
2 tions that allow terrorist organizations to use Soma-
3 lia as a safe haven, institute economic reforms to
4 promote development, and create an environment in
5 Somalia to promote private investment, as well as to
6 meet the basic needs of Somali citizens, including se-
7 curity, safety, and access to health care, education,
8 food, shelter, and clean drinking water;

9 (7) the United States Government and the
10 international community should provide sufficient
11 humanitarian assistance to vulnerable populations
12 within Somalia, as well as throughout the region;
13 and

14 (8) any specific United States Government ef-
15 forts concerning Somalia need to be an integrated
16 part of a strategic approach towards the Horn of Af-
17 rica region.

18 **SEC. 5. FIGHTING TERRORISM AND EXTREMISM IN SOMA-**
19 **LIA.**

20 (a) FINDINGS.—Congress makes the following find-
21 ings:

22 (1) The 2005 Country Reports on Terrorism,
23 published by the Department of State in accordance
24 with section 140 of the Foreign Relations Authoriza-
25 tion Act, Fiscal Years 1988 and 1989 (22 U.S.C.

1 2656f), noted that “[p]arts of Somalia, which has no
2 functioning central government, have become havens
3 for terrorists and other illicit activities, threatening
4 the security of the whole region” and that “a small
5 number of al Qaeda (AQ) terrorists, responsible for
6 the 1998 bombings of the United States Embassies
7 in Kenya and Tanzania, continue to operate in So-
8 malia and are assisted by elements within the com-
9 plicated Somali clan structure”.

10 (2) The 2006 National Security Strategy of the
11 United States of America states that “together with
12 our European allies we must help strengthen Afri-
13 ca’s fragile states, help build indigenous capability to
14 secure porous borders, and help build up the law en-
15 forcement and intelligence infrastructure to deny ha-
16 vens for terrorists”.

17 (3) In June 2006, the United States
18 Counterterrorism Coordinator, Henry Crumpton,
19 testified before the Senate about the problem of a
20 “resilient, enduring, and dangerous” al-Qaeda cell
21 that has operated in Somalia since the early 1990s.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the United States Government should assist
25 the people of Somalia to establish a democratic gov-

1 ernment that is committed and able to fight ter-
2 rorism and extremism;

3 (2) the United States Government and the
4 international community should provide political, fi-
5 nancial, and technical support for efforts by the
6 Government of Somalia to target terrorists and the
7 conditions that allow terrorist organizations to use
8 Somalia as a safe haven;

9 (3) the United States Government and the
10 international community should work closely with
11 the Somali people and countries throughout the re-
12 gion to defeat terrorists, terrorist networks, illicit
13 power structures, and criminal networks that seek to
14 destabilize the region or attack United States inter-
15 ests in the region; and

16 (4) strengthening a widely accepted national
17 government, a vibrant civil society, and popular
18 grassroots efforts in Somalia will help deny terrorist
19 and extremists groups a fertile ground for recruit-
20 ment in Somalia.

21 **SEC. 6. SPECIAL ENVOY FOR SOMALIA.**

22 (a) APPOINTMENT OF SPECIAL ENVOY.—Not later
23 than 60 days after the date of the enactment of this Act,
24 the President shall appoint a Special Envoy for Somalia
25 to coordinate United States involvement in the region and

1 to ensure that the United States Government remains in-
2 formed of and engaged in efforts to resolve the instability
3 and insecurity in Somalia.

4 (b) DUTIES.—The Special Envoy for Somalia should
5 be given a clear mandate—

6 (1) to direct United States Government efforts
7 to establish a credible, capable government of na-
8 tional unity in Somalia;

9 (2) to provide detailed assessments of chal-
10 lenges and progress on the ground in Somalia and
11 in the Horn of Africa region; and

12 (3) to pursue a truly comprehensive and sus-
13 tainable peace in Somalia.

14 (c) STAFFING AND RESOURCES.—The Special Envoy
15 for Somalia should be provided with appropriate resources,
16 including—

17 (1) adequate staffing in the region and in
18 Washington, DC; and

19 (2) sufficient communications and logistical
20 support on the ground in Somalia.

21 **SEC. 7. ASSISTANCE FOR A PEACEKEEPING FORCE FOR SO-**
22 **MALIA.**

23 (a) AUTHORITY.—Subject to subsection (b) and not-
24 withstanding any other provision of law, the President is
25 authorized to support a regional or international peace-

1 keeping force for Somalia with assistance in the areas of
2 logistics, transport, communications, material support,
3 technical assistance, training, command and control, aerial
4 surveillance, and intelligence.

5 (b) CONDITIONS.—

6 (1) IN GENERAL.—Assistance provided under
7 subsection (a) shall—

8 (A) be used only in the Horn of Africa re-
9 gion; and

10 (B) except as provided under paragraph
11 (2), not be provided until an adequate regional
12 or international peacekeeping force for Somalia
13 has been authorized by the African Union or
14 the United Nations and the leadership of such
15 a mission has agreed—

16 (i) not to transfer title to, or posses-
17 sion of, any such assistance to anyone who
18 is not an officer, employee, or agent of the
19 peacekeeping operation; and

20 (ii) not to use or to permit the use of
21 such assistance for any purposes other
22 than those for which such assistance was
23 furnished.

24 (2) WAIVER OF RESTRICTIONS.—

1 (A) WAIVER.—The President may waive
2 the restrictions under paragraph (1)(B) upon
3 receiving written assurances that the granting
4 of such waiver would further efforts to provide
5 assistance in the areas described in subsection
6 (a).

7 (B) NOTIFICATION REQUIREMENT.—If the
8 President grants a waiver under subparagraph
9 (A), the President shall immediately notify the
10 appropriate congressional committees in accord-
11 ance with the procedures applicable to re-
12 programming notifications under section 634A
13 of the Foreign Assistance Act of 1961 (22
14 U.S.C. 2394–1).

15 (c) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated not less than \$150,000,000 for fiscal
18 year 2007 to carry out this section.

19 (2) FUTURE FUNDING.—It is the sense of Con-
20 gress that the Department of State should submit
21 budget requests in fiscal years 2008 and 2009 that
22 contain appropriate levels of assistance for such a
23 peacekeeping force.

1 (3) AVAILABILITY.—Amounts appropriated pur-
2 suant to the authorization of appropriations under
3 paragraphs (1) and (2) are—

4 (A) authorized to remain available until ex-
5 pended; and

6 (B) in addition to funds otherwise available
7 for such purposes.

8 **SEC. 8. BILATERAL ASSISTANCE TO TRANSITIONAL FED-**
9 **ERAL INSTITUTIONS IN SOMALIA.**

10 (a) AUTHORITY.—The President should—

11 (1) support efforts for a peaceful resolution of
12 the conflict in Somalia as well as the establishment
13 of a representative form of government in Somalia;

14 (2) continue to encourage the participation of
15 all groups, including women, business leaders, civil
16 society organizations, traditional and religious lead-
17 ers, and minority clans historically marginalized by
18 the major clans of Somalia, in efforts for a peaceful
19 resolution of the conflict in Somalia as well as the
20 establishment of a representative form of govern-
21 ment in Somalia;

22 (3) encourage Inter-Governmental Authority for
23 Development (IGAD) mediators, the African Union,
24 the Arab League, and other regional bodies to insist

1 on broader participation in the inclusive government
2 of Somalia;

3 (4) contribute to capacity building for Somalia's
4 Transitional Federal Institutions and national and
5 local infrastructure and governance mechanisms;
6 and

7 (5) support reconstruction efforts, including,
8 but not limited to, programs for demobilizing and
9 reintegrating ex-combatants.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There is authorized to be
12 appropriated not less than \$50,000,000 for fiscal
13 year 2007 to carry out this section.

14 (2) FUTURE FUNDING.—It is the sense of Con-
15 gress that the Department of State should submit
16 budget requests in fiscal years 2008 and 2009 that
17 contain appropriate increases in bilateral and multi-
18 lateral assistance for Somalia based on progress by
19 the Transitional Federal Government toward accom-
20 plishing the policy objectives described in sections 3,
21 4, and 5.

22 (3) AVAILABILITY.—Amounts appropriated pur-
23 suant to the authorization of appropriations under
24 paragraphs (1) and (2)—

1 (A) are authorized to remain available
2 until expended;

3 (B) are in addition to funds otherwise
4 available for such purposes; and

5 (C) shall be contingent upon the Presi-
6 dent's determination that the Transitional Fed-
7 eral Government of Somalia is respecting
8 human rights while making positive progress to-
9 wards establishing a credible, transparent gov-
10 ernment.

11 (c) COORDINATION WITH OTHER DONOR NA-
12 TIONS.—The United States should work with other donor
13 nations, on a bilateral and multilateral basis, to increase
14 international contributions to Somalia and accomplish the
15 policy objectives described in sections 3, 4, and 5.

16 (d) LIMITATION.—The President may not provide as-
17 sistance described in subsection (a) if the President deter-
18 mines that the Transitional Federal Government of Soma-
19 lia or any regional authority in Somalia—

20 (1) is not seeking to establish a representative,
21 transparent, and democratically elected government
22 of Somalia;

23 (2) is not cooperating in counterterrorism ef-
24 forts;

1 (3) is not respecting basic human rights and
2 the rule of law; or

3 (4) is engaged in unnecessary conflicts inside
4 Somalia or with its neighbors.

5 **SEC. 9. ESTABLISHMENT OF AN INTERNATIONAL DONOR**
6 **TRUST FUND FOR SOMALIA.**

7 (a) ESTABLISHMENT.—Not later than 30 days after
8 the date of the enactment of this Act, the President shall
9 instruct the United States Permanent Representative to
10 the United Nations to work with the appropriate United
11 Nations agencies, regional organizations, nongovern-
12 mental organizations, and the broader international com-
13 munity to establish an International Donor Trust Fund
14 for Somalia (in this section referred to as the “Fund”)
15 to be managed by the United Nations.

16 (b) PURPOSE.—The purpose of the Fund shall be to
17 carry out the following activities in Somalia:

18 (1) Supporting long-term democratic govern-
19 ance and the establishment of the rule of law in So-
20 malia.

21 (2) Rebuilding the infrastructure of Somalia,
22 including roads, ports, and airports, with particular
23 focus on ensuring all the people of Somalia have ac-
24 cess to medical services, clean water, and education.

1 (3) Supporting disarmament, demobilization,
2 rehabilitation, and reintegration of ex-combatants,
3 members of militias, and criminal networks, includ-
4 ing programs at the community level.

5 (4) Nurturing public-private partnerships and
6 microenterprise development.

7 (5) Improving the quality of life and investing
8 in human capital, specifically targeting education,
9 health and disease prevention, and housing.

10 (6) Strengthening the rule of law through im-
11 proved efficiency and transparency in government
12 services.

13 (7) Reducing poverty and eliminating the exclu-
14 sion of marginalized populations in governance and
15 economic structures within Somalia, with particular
16 attention to gender inequalities.

17 (c) ACCOUNTABILITY.—

18 (1) IN GENERAL.—The United Nations Political
19 Office for Somalia (UNPOS) shall be held account-
20 able for the transparent and timely disbursement of
21 the Fund's resources and for monitoring the effec-
22 tiveness of these contributions.

23 (2) ANNUAL REPORT.—The United Nations Po-
24 litical Office for Somalia shall submit to the United
25 Nations Security Council and donors and imple-

1 menting partners of the Fund a report on the spe-
2 cific programs, projects, and activities carried out by
3 the Fund during the preceding year, including an
4 evaluation of the results of such programs, projects,
5 and activities.

6 (d) SUPPORT CONTINGENT ON PROGRESS.—The
7 President shall temporarily withhold United States sup-
8 port for the assistance described in subsection (a) when
9 future funding decisions are considered if the President,
10 in consultation with the Secretary of State, determines
11 that the Transitional Federal Government of Somalia or
12 any regional authority in Somalia—

13 (1) is not seeking to establish a representative,
14 transparent, and democratically elected government
15 of Somalia;

16 (2) is not cooperating in counterterrorism ef-
17 forts;

18 (3) is not respecting basic human rights and
19 the rule of law; or

20 (4) is engaged in unnecessary conflicts inside
21 Somalia or with countries that neighbor Somalia.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated to the President \$50,000,000 for con-
25 tributions to the Fund.

1 (2) AVAILABILITY.—Amounts appropriated pur-
2 suant to the authorization of appropriations under
3 paragraph (1) are authorized to remain available
4 until expended.

5 **SEC. 10. INTERNATIONAL DONOR CONFERENCE.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, the Secretary of State
8 shall convene one or more donor conferences—

9 (1) to gain commitments from other countries,
10 multilateral institutions, and nongovernmental orga-
11 nizations to provide contributions to the Inter-
12 national Donor Trust Fund for Somalia;

13 (2) to ensure that such commitments are hon-
14 ored in a timely manner;

15 (3) to ensure that there is coordination of as-
16 sistance among the United States and other coun-
17 tries, multilateral institutions, and nongovernmental
18 organizations; and

19 (4) to ensure that the assistance provided to
20 Somalia is used for the purposes for which it was
21 provided.

22 (b) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, and annually thereafter, the
24 Secretary of State shall prepare and submit to the appro-
25 priate congressional committees a report that describes

1 the activities undertaken pursuant to subsection (a), in-
2 cluding a description of amounts committed, and the
3 amounts provided, to Somalia during the reporting period
4 by each country and organization.

5 **SEC. 11. RESTRICTION OF FOREIGN ASSISTANCE.**

6 (a) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the President, in consultation
8 with the Secretary of State and the Director of National
9 Intelligence, shall provide to the appropriate congressional
10 committees a report that details the involvement of outside
11 actors, states, or organizations in Somalia that seek to
12 harm efforts to establish a legitimate, credible, democratic
13 government in Somalia or to harm United States interests.
14 The report shall include a description of negative outside
15 influences, as well as motivations, sources of support, and
16 types of support.

17 (b) RESTRICTION.—No United States assistance
18 under the Foreign Assistance Act of 1961 (22 U.S.C.
19 2151 et seq.), the Agricultural Trade Development and
20 Assistance Act of 1954 (7 U.S.C. 1691 et seq.), and the
21 Arms Export Control Act (22 U.S.C. 2751 et seq.) shall
22 be provided to countries that are identified in the report
23 required under subsection (a) as overtly or covertly pro-
24 viding assistance to individuals, organizations, factions,
25 militias, terrorist networks, or other entities that seek to

1 destabilize, harm, or otherwise prevent the formation of
2 a government of national unity in Somalia or harm United
3 States interests.

4 **SEC. 12. REPORT ON STABILIZATION AND RECONSTRUC-**
5 **TION EFFORTS IN SOMALIA.**

6 Not later than 60 days after the date of the enact-
7 ment of this Act, and annually thereafter, the President
8 shall submit to Congress a detailed report on the imple-
9 mentation of this Act, including a description of—

10 (1) progress made as a result of stabilization
11 and reconstruction efforts in Somalia;

12 (2) key challenges, gaps, and obstacles to fur-
13 ther enhancing stability and peace in Somalia; and

14 (3) future funding needs through 2010 for sta-
15 bilizing and reconstructing Somalia.

16 **SEC. 13. OFFSETS.**

17 The amounts authorized to be appropriated under
18 this Act are offset as follows:

19 (1) Of the unobligated balances available under
20 the heading “Department of Justice, General Ad-
21 ministration, Working Capital Fund”, \$2,500,000 is
22 hereby rescinded.

23 (2) Of the unobligated balances available under
24 the heading “Department of Justice, Legal Activi-

1 ties, Assets, Forfeiture Fund”, \$170,000,000 shall
 2 be rescinded not later than September 30, 2007.

3 (3) Of the unobligated balances available under
 4 the heading “Department of Commerce, National
 5 Institute of Standards and Technology, Industrial
 6 Technology Services”, \$7,000,000 is hereby re-
 7 scinded.

8 (4) Of the unobligated balances available under
 9 the heading “Maritime Administration National De-
 10 fense Tank Vessel Construction Program”,
 11 \$74,000,000 is hereby rescinded.

12 **SEC. 14. DEFINITIONS.**

13 In this Act:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 15 TEES.—The term “appropriate congressional com-
 16 mittees” means the Committee on Foreign Relations
 17 and the Committee on Appropriations of the Senate
 18 and the Committee on Foreign Affairs and the Com-
 19 mittee on Appropriations of the House of Represent-
 20 atives.

21 (2) HORN OF AFRICA REGION.—The term
 22 “Horn of Africa region” means the region com-
 23 prising Somalia, Djibouti, Ethiopia, Kenya, and Eri-
 24 trea.

